

STATE OF MICHIGAN



HONORABLE BRIAN W. MacKENZIE
HONORABLE DENNIS N. POWERS
HONORABLE ROBERT BONDY
DISTRICT JUDGES

District Court - 52nd Judicial District

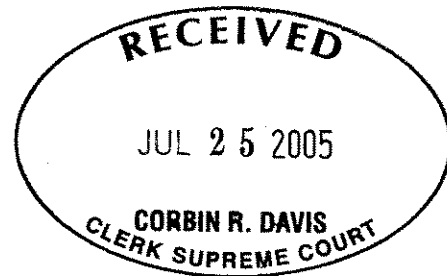
1ST DIVISION
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48150 Grand River Ave.
Novi, MI 48374-1222

Joyce A. Renfrow
COURT ADMINISTRATOR

July 12, 2005

Honorable Clifford W. Taylor
Chief Justice, Michigan Supreme Court
P.O. Box 30052
Lansing, Michigan 48909



Re: Proposed Changes to MCR 8.110 (C) (5) (b)

Dear Chief Justice Taylor:

I am the presiding Judge at the 52-1 District Court located in Novi, Michigan. I have had an opportunity to review the proposed changes to MCR 8.110 (C) (5) (b), (as proposed). The change proposes modifying the reporting period from six (6) months to ninety-one (91) days for unresolved criminal matters. My colleagues, Judge MacKenzie and Judge Powers, as well as myself, express the following concerns regarding this proposed change.

We are a multiple jurisdiction court servicing nine different communities. Each community has its own police department or contract with the Sheriff's Department and hires their own prosecutor. As such, the proposed rule presents many scheduling challenges for our court. Shortening the time in which a misdemeanor case must be resolved or adjudicated, to 91 days, will present a hardship on the communities we serve. Our communities typically have one day per week during which we hear their criminal matters. The shortening of this time period will necessitate the scheduling of at least one extra day per week, if not more. This will require them to expend additional monies for prosecutorial time and police officer appearances.

Secondly, the 91 day period presents difficulties in resolving contested cases. Typically, it is not uncommon for there to be a delay in a misdemeanor case as a result of factors totally outside of the court's control. Very often an individual is arraigned on a misdemeanor without the benefit of an attorney. The matter then comes up for pretrial and hopefully the person has retained an attorney by the time of the pretrial; if they have not, sometimes they discover at pretrial the seriousness of the matter and that they do need to retain counsel. This results in an adjournment to retain counsel. Once counsel comes into the case, there is often a request for discovery and time to conduct an analysis of the pertinent discovery. The police departments that we service are up to date with

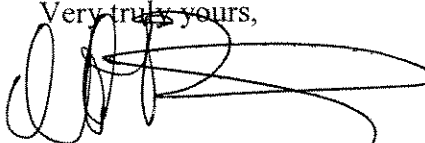
technology which often involves video taping of arrests that have taken place outside of a patrol car. However, production of these video tapes to the defendant takes time, as does viewing of the same. When there are legal challenges to stops, searches and arrests, as a result of the evidence it will often necessitate a need to conduct evidentiary hearings. Only thereafter, can those contested matters be scheduled for trial, resulting in additional delays.

Lastly, we schedule jury trials twice per month in order to effectively use our jury array. We believe that a 91 day period is not realistic when a defendant is exercising his/her rights. While the 91 day period is adequate, where there is simply a plea and sentencing, we do not believe the proposed rule will be effective or reasonable in unresolved contested cases. As such, we do not believe that shortening of the time period to 91 days is consistent with the fair administration of justice, protection of the defendant's rights and an effective use of the taxpayers' resources. We ask that you please reconsider this imposition of this ninety-one (91) day rule and allow the rule to remain at the current one hundred eighty (180) day period.

We recognize that it is a common goal to see that our courts operate effectively and efficiently, however, we do not believe that the proposed change will enhance that goal.

In closing, I remain,

Very truly yours,

A handwritten signature in black ink, appearing to be "R. Bondy", written over the typed name.

Hon. Robert Bondy
Presiding District Court Judge

RB/pac

cc: Justice Michael F. Cavanagh
Justice Elizabeth A. Weaver
Justice Marilyn Kelly
Justice Maura D. Corrigan
Justice Robert P. Young, Jr.
Justice Stephen J. Markman
Honorable William Bolle